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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,430	01/30/2002	Keiji Kanao	2635-91	4297
7:	590 02/12/2003			
NIXON & VANDERHYE P.C. 8th Floor 1100 North Glebe Rd.			EXAMINER	
			DONG, DALEI	
Arlington, VA 22201-4714			ART UNIT	PAPER NUMBER
			2875	2875
			DATE MAILED: 02/12/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>		Application No	Applicant(s)			
Office Action Summary		10/058,430	KANAO ET AL.			
		Examiner	Art Unit			
		Dalei Dong	2875			
	The MAILING DATE of this communication app		orrespondence address			
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status						
1) 🖾	Responsive to communication(s) filed on 30.	lanuary 2002				
2a)□		nis action is non-final.				
3)	Since this application is in condition for allows		osecution as to the merits is			
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-9 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
,	Claim(s) is/are allowed.					
	Claim(s) is/are rejected.					
•	Claim(s) is/are objected to.	la atian wa muiramant				
8) Claim(s) <u>1-9</u> are subject to restriction and/or election requirement.  Application Papers						
	The specification is objected to by the Examine	er.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a)						
1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No					
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
<ul> <li>a) The translation of the foreign language provisional application has been received.</li> <li>15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</li> </ul>						
Attachment(s)						
2) Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal F	(PTO-413) Paper No(s) Patent Application (PTO-152)			

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-8 are, drawn to a spark plug, classified in class 313, subclass 141.

II. Claim 9 is, drawn to the method of producing a spark plug, classified in class 445, subclass 7.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the product of a spark plug can be manufacturing by a different process such as the process recited by U.S. Patent No. 5,982,080 to Shibata. Invention of Group II is classified in a different class and subclass, therefore provides extra burden upon the Examiner and thus restriction is proper. The criteria for establishment of restriction is if it can be shown that the product can be made by an entirely different method as claimed by applicant. Because the method of making and the product of the spark plug are distinct invention as acquired a separate status in the art as shown by their different classification, restriction for examiner purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalei Dong whose telephone number is (703)308-2870. The examiner can normally be reached on 8 A.M. to 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703)305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

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D.D. February 7, 2003